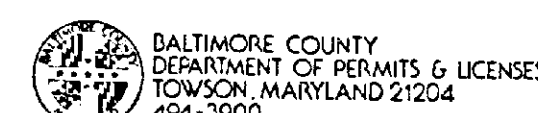


Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



August 23, 1983

THE ZONING COMMISSIONER
BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
404-2900
TOWSON, MARYLAND 21204

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond
Comments on Item # 20 Zoning Advisory Committee Meeting
are as follows:
Property Owner: Roger L. Michel, et ux
Location: W/S Baronet Road 1633' S. Caves Road
Existing Zoning: R.C. 5
Proposed Zoning: Variance to permit a side yard setback of 24' in lieu of the required 50'.

- Address: 3-572
District: 3rd
- The items checked below are applicable: No comment
- A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 14-82 State of Maryland Code for the "disseminated and aged" and other applicable codes.
 - B. A building and other miscellaneous permits shall be required before beginning construction.
 - C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
 - D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
 - E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line. See Table 1401, line 2, Section 1407 and Table 1402.
 - F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____.
 - G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
 - H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 1401.
 - I. Comments:

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,
Charles E. Burnham, Chief
Plans Review

CEB:rrj
POM 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent
Towson, Maryland - 21204

Date: July 18, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: July 12, 1983

RE: Item No: 12, 13, 14, 15, 16, 17, 18, 19, 20
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no adverse effect on student population.

Very truly yours,
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner
FROM: Norman E. Gerber, Director
SUBJECT: Roger L. Michel, et ux 84-79-A
Date: August 25, 1983

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:cav

PETITIONER'S EXHIBIT 2

Hon. Arnold Jablon
Zoning Commissioner of
Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition of Roger L. and Mary C. Michel
for Variance from Sideyard Setback -
Restrictions at 10908 Baronet Road
Owings Mills, Maryland 21117
Third Election District

Dear Mr. Jablon:

I own and reside at the property next door to 10908 Baronet Road, the home property of Roger L. and Mary C. Michel, petitioners in the subject case. We have reviewed the petition for Zoning Variance, and accompanying plat, seeking the right to erect a carport and storage shed, within 24 or 25 feet of the side property line running between our home property and the home property of the Michels. As we see it, we are the only property owner in the neighborhood who may be concerned about the variance sought in the zoning case. In our opinion, grant of the variance sought by the Michels will not work any injury to the public health, safety or general welfare, and in no way adversely affects our property or its use. In light of the foregoing, we respectfully urge you to grant the variance sought by the Michels to eliminate a predicament created by the location of the home and driveway on the Michel property, over which they had no control.

Yours very truly,

My Gdn
Mary Jo Gordon

IN RE: PETITION ZONING VARIANCE
W/S of Baronet Road, 1,633' S
of Caves Road - 3rd Election
District
Roger L. Michel, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-79-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 24 feet instead of the required 50 feet. Their property is zoned R.C.5. The purpose of the request is to expand the existing carport and add a storage facility, as more fully described on Petitioners' Exhibit 1.

The Petitioner, Mary C. Michel, appeared and testified. There were no Pro-testants. Petitioner introduced a letter from an immediate neighbor, and the only neighbor affected by the addition proposed, who was not opposed to the variance. See Petitioners' Exhibit 2.

Testimony indicated, and was uncontested, that the property in question is essentially rural in nature, approximately 3.5 acres. The existing house covers less than 2% of the entire lot. Ingress to the residence, from Baronet Road, is by a driveway leading to a parking area directly in front of the residence and continuing by a driveway to the side of the home where an open carport had been added. The proposed addition would be to the existing carport but would require the requested variance. The driveway as shown on Petitioners' Exhibit 1 has been in existence for more than 25 years, and would be most difficult to relocate. The Petitioners have owned and lived on said property for 17 years. If the variance was denied, the Petitioners would be forced to relocate the driveway and add a garage or carport elsewhere, which would necessitate the removal of trees and a

disruption to and diminution of the rural character of the property. It is approximately 328 feet from the Petitioners' property line to their nearest neighbor's home.

The Petitioners seek relief from Section 1404.3B.3., pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured,

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance was to be granted, such use as proposed would not be contrary to the spirit of the regulations, and would not result in substantial detriment to the public good. After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance was not to be granted. It has been established that the requirements the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

ORDER RECEIVED FOR FILING
DATE 8/23/83
BY [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons above given, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of September, 1983, that the Petition for Variance to permit a side yard setback of 24 feet instead of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit, and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that their proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE 8/24/83
BY [Signature]

DESCRIPTION

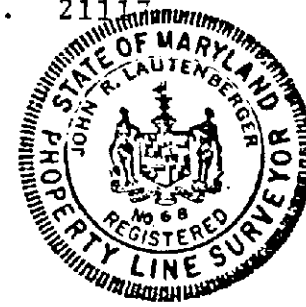
TO ACCOMPANY
PETITION FOR ZONING VARIANCE
PROPERTY OF
MR. & MRS. ROGER L. MICHEL
THIRD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the west side of Baronet Road, 50 feet wide, said point being distant 1,633 feet more or less southerly from the south side of Caves Road and running thence binding along the aforesaid west side of Baronet Road South 05° 57' East 300.00 feet, thence leaving the west side of Baronet Road and running the three (3) following courses and distances, viz.:

- (1) South 81° 32' 40" West 561.36 feet,
- (2) North 05° 56' 07" East 309.42 feet, and
- (3) North 81° 32' 40" East 497.57 feet to the point of beginning, containing 3.572 acres of land more or less.

BEING that parcel of land which by deed dated September 19, 1966 and recorded among the Land Records of Baltimore County, Maryland in Liber O.T.G. 4675 at Folio 122 was conveyed by James R. Grieves and Ann Watts Grieves, His Wife, to Roger L. Michel and Mary C. Michel, His Wife.

Also known as 10908 Baronet Road, Owings Mills, Md. 21117



PURDUM AND JESCHKE
ENGINEERS AND LAND SURVEYORS

1029

1029 NORTH CALVERT STREET, BALTIMORE, MARYLAND 21202

Page 1 of 1

June 16, 1983

PETITION FOR VARIANCE

3rd Election District

ZONING: Petition for Variance
LOCATION: West side Baronet Road, 1,633 ft. South of Caves Road
DATE & TIME: Wednesday, September 21, 1983 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side yard setback of 24 ft. instead of the required 50 ft.

The Zoning Regulation to be excepted as follows:
Section 1A04.3B.3 - side yard setback in a R. 1. 5 zone

All that parcel of land in the Third District of Baltimore County

Being the property of Roger L. Michel, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Eugene P. Smith, Esquire
100 South Charles Street
14th Floor
Baltimore, Md. 21201

Purdum & Jeschke
1029 N. Calvert Street
Baltimore, Md. 21202

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
12th day of July, 1983

ARNOLD JABLON
Zoning Commissioner

Petitioner Roger L. Michel, et ux
Petitioner's Attorney Eugene P. Smith, Esq.

Received by: Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3rd
Posted for: Variance
Petitioner: Roger L. Michel
Location of property: W/S Baronet Rd., 1,633' South of Caves Road
Location of Sign: West side of Baronet Rd., approx. 1,630' South of Caves Road
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 4
Date of return: Sept 9, 83

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

September 14, 1983

Eugene P. Smith, Esquire
100 S. Charles Street - 14th Floor
Baltimore, Maryland 21201

Re: Petition for Variance
W/S Baronet Rd., 1,633' S of Caves Rd.
Roger L. Michel, et ux - Petitioners
Case No. 84-79-A

Dear Mr. Smith:

This is to advise you that \$77.27 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 121521

DATE: 9-21-83 ACCOUNT: R-01-615-000

AMOUNT: \$77.27

RECEIVED FROM: Eugene P. Smith
FOR: Advertising & Posting Case # 84-79-A
(Roger L. Michel, et ux)

C 01*****77276 62100

DATE OF SIGNATURE OF CASHIER

PETITION FOR VARIANCE
ZONING: Petition for Variance
LOCATION: West side Baronet Road, 1,633 ft. South of Caves Road
DATE & TIME: Wednesday, September 21, 1983 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Variance to permit a side yard setback of 24 ft. instead of the required 50 ft.
The Zoning Regulation to be excepted as follows:
Section 1A04.3B.3 - side yard setback in a R. 1. 5 zone
Being the property of Roger L. Michel, et ux, as shown on plat plan filed with the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

PAPERS OF MARYLAND, INC.

Md., Sept. 1, 1983
annexed, Reg. #L53933, P.O. #47361
1983, day, in the
a daily newspaper published
in Carrol County, Maryland,
a weekly newspaper published
in Carrol County, Maryland,
a weekly newspaper published
in Baltimore County, Maryland.

PAPERS OF MARYLAND, INC.
Donna Kasper

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: [Signature]										
Previous case: [Signature]										
Revised Plans: Change in outline or description Yes Map # 2C										

Item # 20

August 2, 1983

Eugene P. Smith, Esquire
100 South Charles Street
14th Floor
Baltimore, Maryland 21201

NOTICE OF HEARING

Re: Petition for Variance
W/S Baronet Rd., 1,633' S of Caves Rd.
Roger L. Michel, et ux - Petitioners
Case No. 84-79-A

TIME: 10:00 A.M.

DATE: Wednesday, September 21, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

ARNOLD JABLON
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 117672

DATE: 7/1/83 ACCOUNT: 01-615-000

AMOUNT: 35.00

RECEIVED FROM: Eugene P. Smith
FOR: Filing fee for Item # 20

C 103*****356016 6050A

DATE OF SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 1, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., before the 21st day of September, 1983, the first publication appearing on the 1st day of September, 1983.

THE JEFFERSONIAN

[Signature]
Manager

Cost of Advertisement, \$ 29.25

N 5° 56' 07" E 309.42

268'-0"

3.572 ACRES

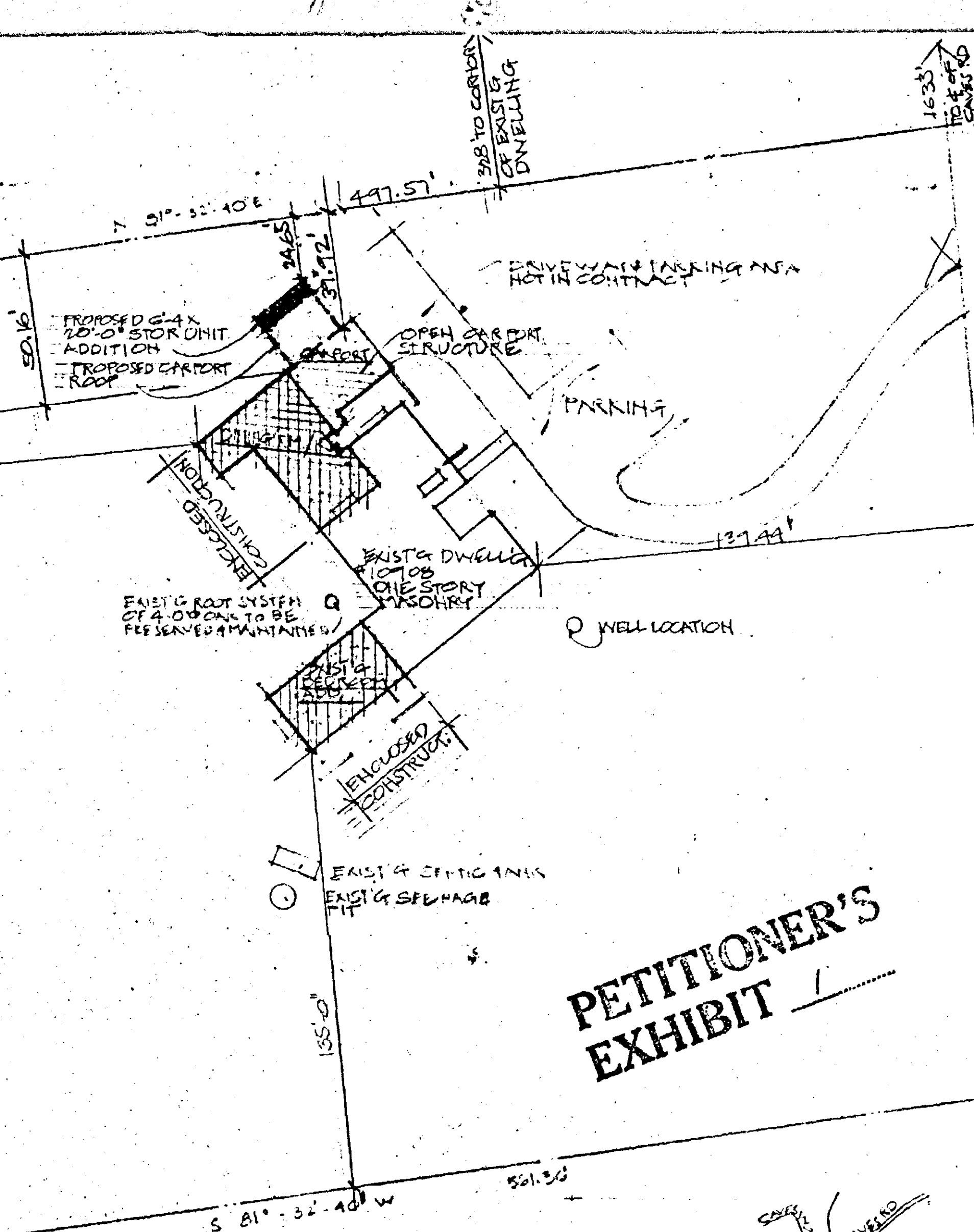
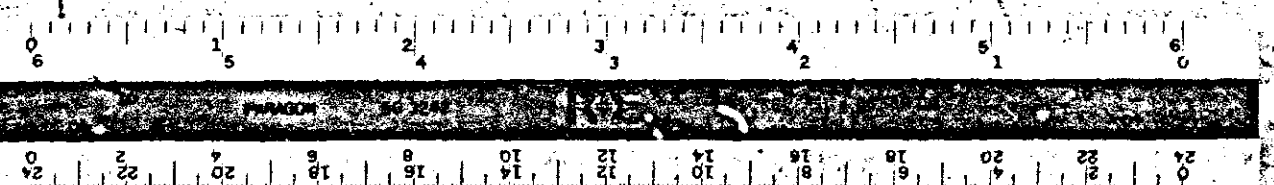
MAP: 2C
NW 1/2-F
ELECTION:
D: 3
D/T: 7/14
TYP: A
H/S: W/D
FINAL
BY:

FROM #20

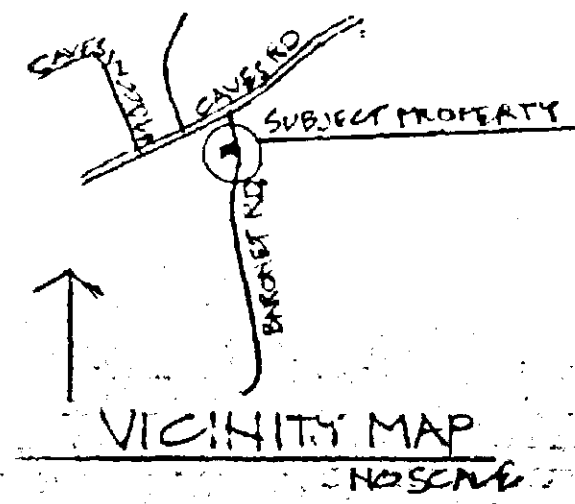
SCALE 1"=30'-0"

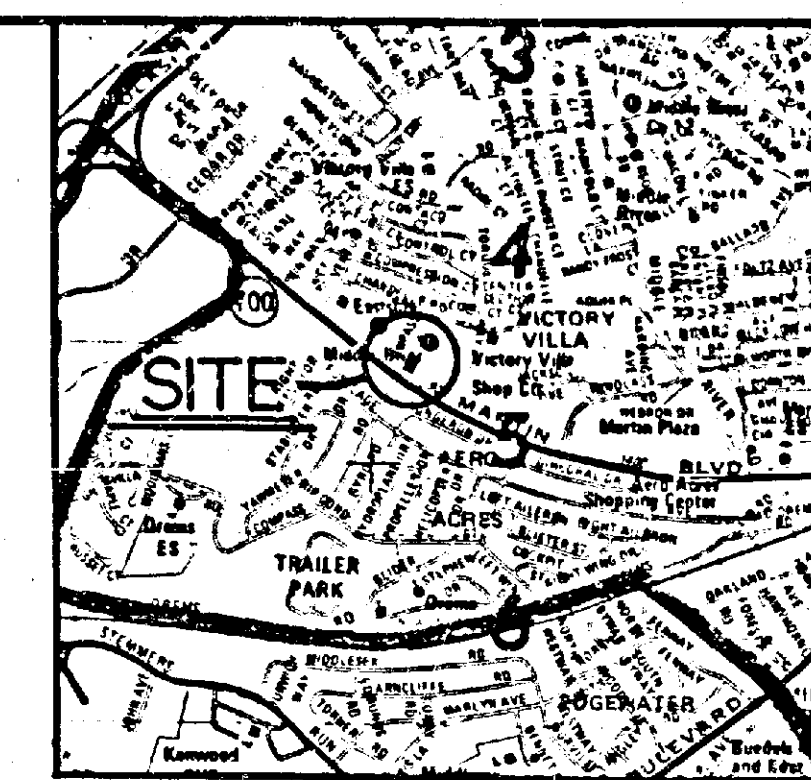
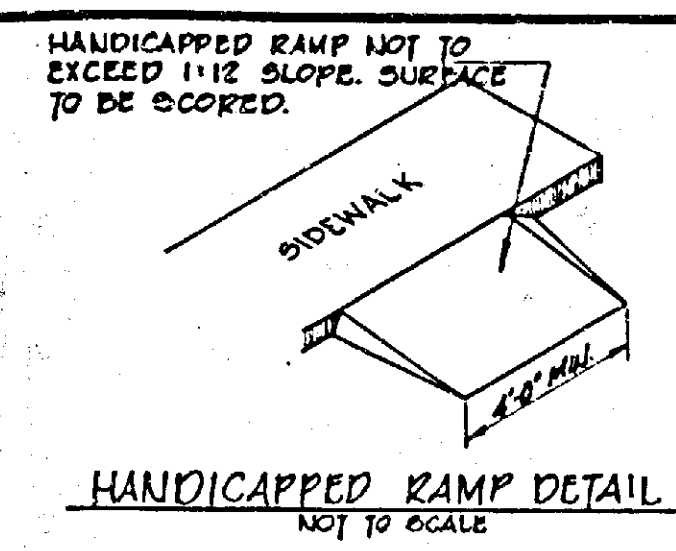
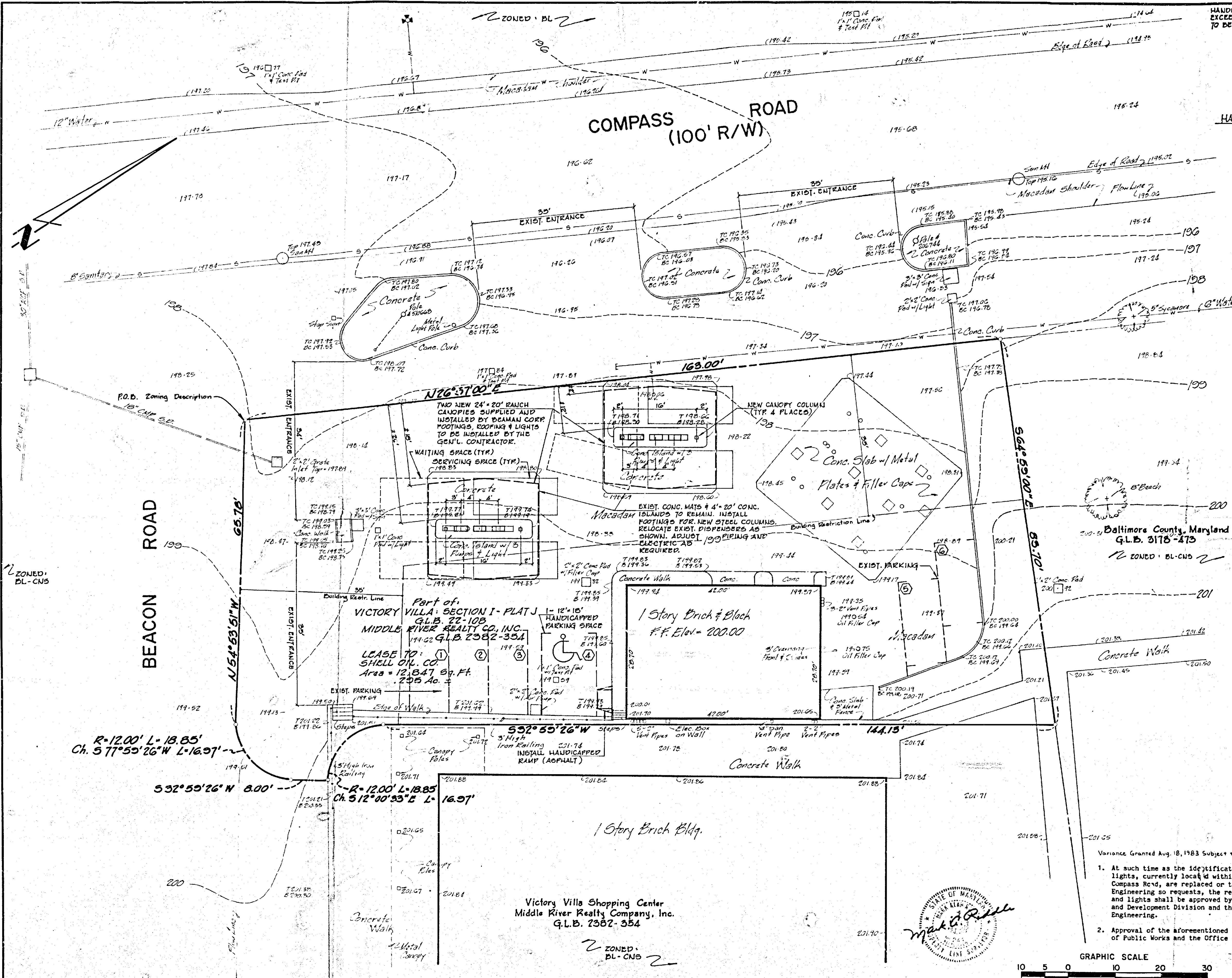
SITE PLANS

PLAN FOR ZONING VARIANCE
OWNER: RODGER & MARY MICHEL
DISTRICT-3, ZONED RC-5
BOOK 67A-4675- FOLIO 122
EXIST'G UTILITIES IN BARONET RD.



PETITIONER'S
EXHIBIT 1





LOCATION MAP
SCALE: 1" = 2000'

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY: PLANNING
DATE: 11/10/83
BY: PLANNING
DATE: 11/10/83
COMMISSIONER
DATE: 11/10/83
04-7-A
C-1155-83

ZONING NOTES:
EXISTING ZONING: BL-CNS
PROPOSED ZONING: NO CHANGE BUT WITH A VARIANCE FROM SECTION 405.4A(2) TO PERMIT A SETBACK OF 2 FEET IN LIEU OF THE REQUIRED 10 FEET FOR A CANOPY.

AREA REQUIREMENTS:
TWO DISPENSER ISLANDS WITH THREE DISPENSERS SERVING TWO CARS AT ONE TIME.
TOTAL SERVING SPACES = 4
TOTAL SERVING BAYS = 2
TOTAL SPACES AND BAYS = 6
TOTAL AREA REQUIRED = 6 X 1,500 SF = 9,000 SF (USE 13,000 SF MIN.)
TOTAL WAITING SPACES = 4

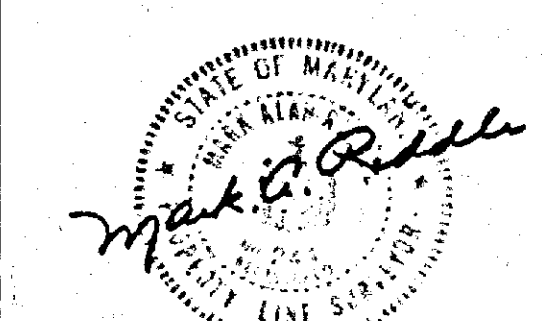
ANCILLARY USES:
VEHICLE REPAIR SERVICES
VENDING MACHINES
TIRE SALES AND INSTALLATION
SALE OF SMALL AUTO PARTS AND ACC.
CHRISTMAS TREE SALES
MINOR ACCESSORY USES
NO ADDITIONAL SQUARE FOOTAGE REQUIRED

COMBINATION USES: NONE
TOTAL AREA REQUIRED = 13,000 SF
TOTAL AREA OF TRACT = 12,847 SF
ACCESS POINTS:
NUMBER OF DRIVEWAYS ON MAJOR STREET = 2
REQUIRED SITE WIDTH = 2 X 65' = 130'
ACTUAL SITE WIDTH = 163.00'

LANDSCAPING:
LANDSCAPING REQUIRED (5% OF SITE) = 643 SF
LANDSCAPING PROVIDED = 1,271 SF
PARKING:
PARKING SPACES REQUIRED = 2 BAYS X 25 EACH = 5
PARKING SPACES PROVIDED = 6 (INCLUDING ONE HANDICAPPED)
AREA DISTURBED BY NEW CONSTRUCTION = 160 SF

GENERAL NOTES:
1. COORDINATES AND BEARINGS SHOWN ARE BASED ON DEED OF RECORD.
OWNER OF PROPERTY: MIDDLE RIVER REALTY CO., INC.
G.L.B. 2382-354
LEASE DEED TO: SHELL OIL COMPANY
AREA = 12,847 SQ. FT. = 0.295 AC. ±
ELEVATIONS SHOWN ARE BASED ON ASSUMED F.F. ELEV. = 200.00
2. UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN MADE BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO COMMENCING WORK.
3. THE LINES AND GRADES OF THE PROPOSED ROADS SHOWN HAVE BEEN OBTAINED FROM PLANS OF THE LOCAL HIGHWAY AGENCIES. THEY ARE SUBJECT TO CHANGE UNTIL ACTUAL CONSTRUCTION.
4. UTILITY COMPANIES:
CHESAPEAKE & POTOMAC TELEPHONE COMPANY
320 ST. PAUL STREET, BALTIMORE, MD 21202
BALTIMORE GAS & ELECTRIC COMPANY
LEXINGTON & LIBERTY STREETS, BALTIMORE, MD 21202
5. ZONED: PL-CNS

Variance Granted Aug. 18, 1983 Subject to the Following Restrictions:
1. At such time as the identification sign and the 2 yard lights, currently located within the right of way of Compass Road, are replaced or the Department of Traffic Engineering so requests, the relocation of the sign and lights shall be approved by the Current Planning and Development Division and the Department of Traffic Engineering.
2. Approval of the aforementioned site plan by the Department of Public Works and the Office of Planning and Zoning.



SITE PLAN

LYON ASSOCIATES, INC.
7131 Rutherford Road, Baltimore, Maryland 21207
Telephone: 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION

SURVEYOR'S CERTIFICATION
I, MARK A. RIDDLE, A REGISTERED PROFESSIONAL ENGINEER OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN SURVEYED BY LYON ASSOCIATES, INC., AND TO THE BEST OF MY KNOWLEDGE MEETS ALL OF THE REQUIREMENTS AS CONTRACTED FOR BY SHELL OIL CO.
Mark A. Riddle
MARK A. RIDDLE, L.S. NO. 244
3-31-83
DATE

PLAN PREPARATION	
DRAWN BY AK GREEN	DATE FEB. 28, 1983
DESIGNED BY	SCALE 1" = 10'
CHECKED BY AJ CORTEAL	

INSTALLATION OF
NEW CANOPIES
SHELL OIL CO.
COMPASS AND BEACON ROADS
ELECT. DIST. 15 BALTIMORE CO., MD.

DRAWING NO.
3-86-41
SHEET NO.
1 of 1